

SENATE BILL 1394

By Tate

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 10; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6, relative to discipline of students in pre-kindergarten through kindergarten (pre-K-K).

WHEREAS, the introduction of exclusionary discipline should be used only as a method of last resort; and

WHEREAS, whenever possible, the parent should be involved in disciplinary actions taken by the school; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 30, is amended by adding the following language as a new section:

(a) Notwithstanding § 49-6-3401, § 49-6-4008, or § 49-6-4216, and subject to this section, no student in pre-kindergarten through kindergarten (pre-K-K) shall be suspended or expelled from school unless the student's behavior endangers the physical safety of other students or school personnel as determined by the director of schools.

(b) A student in pre-kindergarten through kindergarten (pre-K-K) whose behavior endangers the physical safety of other students or school personnel may be suspended for three (3) days or less. The principal shall notify the parent of the student's suspension on the day the suspension occurs.

(c) No student in pre-kindergarten through kindergarten (pre-K-K) shall be suspended or expelled from school until the student has been provided an opportunity for the student's anger, fear, or anxiety to subside and the student's teacher or principal

or both have had a conversation with the student concerning the behavior and the underlying issues that may have precipitated the behavior.

(d)

(1) Each LEA shall adopt clear policies and procedures for addressing misbehavior of students in pre-kindergarten through kindergarten (pre-K-K) that creates a safe, supportive, and positive school climate and addresses misbehavior through interventions and consequences aimed at understanding and addressing the causes of the misbehavior, resolving conflicts, meeting students' needs, keeping students in school, and teaching them to respond in age-appropriate ways. Local boards of education are encouraged to include in their policies and procedures research-based behavior management that takes positive approaches to improving student behaviors.

(2) The Tennessee state board of education may develop model policies and procedures to provide guidance to each LEA in adopting a policy that takes into consideration the unique characteristics of the LEA and its students.

(3) Each LEA shall adopt its policies and procedures before the beginning of the 2018-2019 school year.

(4) An LEA shall inform parents of its policies and procedures concerning behavior management for students in pre-kindergarten through kindergarten (pre-K-K) at the beginning of each school year and shall post its policies and procedures on its website.

(e) Misbehavior by a student in pre-kindergarten through kindergarten (pre-K-K) who receives special education services pursuant to chapter 10 of this title must be addressed in accordance with federal law and chapter 10 of this title.

(f) As used in this section, "parent" means a parent, guardian, or person designated as a caregiver with the power of attorney for care of a minor child pursuant to title 34, chapter 6, part 3.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.